

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Chaim Lowenstein,

Plaintiff,

CIVIL NO.: 10-CV-02857-DWF-AJB

v.

Tom Kane, Jr. and
Dietz-Kane & Associates Insurance
Agency, Inc.,

AFFIDAVIT OF TOM KANE, JR.

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON).

Tom Kane, Jr. being first duly sworn, states as follows:

1. That I am President of Dietz-Kane & Associates Insurance Agency, Inc. (Dietz-Kane).
2. That neither I nor Dietz-Kane have any claims against Plaintiff that are directly related to the rebate scheme for which he is under criminal indictment.
3. I have and continue to incur financial hardship due to the money (in excess of \$70,000.00) that I must recover from Plaintiff.
4. I have personally received notice from the IRS that the business Plaintiff and I own together has not filed corporate tax returns for the years 2008 and 2009. Plaintiff is the person in our business that is responsible for filing tax returns. Under the circumstances, I do not believe Plaintiff will cause the business to file tax returns in 2010.
5. Given Plaintiff's alleged criminal activities I am very concerned that he will be able to use our business to conduct further criminal activities. This is one of the reasons I am suing to have the business dissolved.

6. Dietz-Kane must disclose the existence of Plaintiff's suit and the nature thereof to insurance companies that it does business with. The Agency is being crippled by Plaintiff's suit in that it cannot obtain new insurance companies to work with or expand into other markets with this case unresolved.
7. Lowenstein brought the same suit in New York about two years ago. It was dismissed for lack of jurisdiction, but the critical thing is that this case has essentially been hanging over my head for two years.
8. Because of the money Plaintiff defrauded me of and his use of fraudulently obtained credit cards in my name, my personal credit and the business credit of Dietz-Kane have been ruined. I must proceed to resolve this case immediately to avoid even further financial hardship.
9. FURTHER YOUR AFFIANT SAYETH NAUGHT.

s/Tom Kane, Jr.
Tom Kane, Jr.

Subscribed and sworn to before me this
29th day of October, 2010

s/ Thomas J. Okoneski
Notary Public